



REMARKS

Attorney Docket No.: 01CON314P
Serial No.: 09/499,999

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The present amendment is submitted in response to the Office Action, dated June 17, 2002, where the Examiner has rejected claims 1-7, 9-27 and 42-45. By the present amendment, claims 4, 5, 9, 10, 11-15 have been amended, and claims 46-49 have been added. Accordingly, claims 1-7, 9-27, and 42-49 are pending in the present application. Reconsideration and allowance of pending claims 1-7, 9-27 and 42-49 in view of the amendments and the following remarks are respectfully requested.

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A. Correction to the Specification and Drawing

The foregoing corrections to the specification and drawing are submitted to correct typographical errors, and it is respectfully submitted that no new matter has been added.

B. Rejection of Claims 1-7, 9-27 and 42-45 Under 35 USC § 103(a)

The Examiner has rejected claims 1-7, 9-27 and 42-45 under 35 USC § 103(a) as being unpatentable over Stewart, et al. (USPN 5,761,634) ("Stewart '634") in view of Otani (USPN 6,400,693) ("Otani '693"). Applicant respectfully disagrees. It is noted that the amendments to claims to 4, 5, 9, 10, 11-15 are submitted only to correct typographical errors. New dependent claims 46-49 are discussed more fully below.

Pending claims 1-7, 9-27 and 42-49 are directed to a speech coding system which comprises a plurality of speech data signal encoders including at least a first encoder using a first speech encoding scheme and a second encoder using a second speech encoding scheme different from the first speech encoding scheme. A speech data rate determinator determines a data rate

for a frame and selects one of the speech encoding schemes to encode the frame based on the determined data rate for the frame.

Applicant respectfully submits that independent claims 1, 10, 16 and 22 are patentably distinguishable over Stewart '634 and Otani '693, when viewed either solely or in combination. The Examiner acknowledges that Stewart '634 fails to disclose that the encoding scheme of the first encoder differs from the encoding scheme of the second encoder as claimed by Applicant (Page 2 of the Detailed Action). But, the Examiner cites Otani '693 as disclosing a plurality of different encoding schemes.

Applicant respectfully submits that Otani '693 does not disclose anything beyond that already pointed out by applicant in the background section of the present application: namely, that different encoding schemes may be employed based on such factors as time of day, or, in the case with Otani '693, based on the mode of operation. Nothing in the cited references record would suggest or motivate someone skilled in the art to employ different encoding schemes on a frame-by-frame basis, as claimed by Applicant.

In fact, Otani '693 teaches away from a frame-by-frame selection scheme by choosing a voice coding technique based on the mode of operation, thereby teaching away from Stewart '634 and against the proposed combination (col. 12:32-45, col. 18:42-62, and col. 22:42-56). In contrast, the claimed invention is directed at determining a data rate for each frame, and then selecting one of plurality of different encoding schemes to encode the speech signal of the frame based on the data rate. This selection scheme is carried out on a frame-by-frame basis. Nothing in the cited references remotely discloses, teaches, or suggests such a selection scheme. Accordingly, it is respectfully submitted that rejection of independent claim 1 and its dependent

claims 2-7, 9, 42 and 46 have been traversed. Applicant respectfully submits claims 1, 2-7, 9, 42 and 46 should therefore now be allowed.

The Examiner has rejected claim 10 for reasons similar to claim 1, applicant respectfully submits that claim 10 and its dependent claims 11-15, 43, 44 and 47 should be allowed for at least the same reasons stated in conjunction with claim 1.

The Examiner has rejected claim 16 for reasons similar to claim 1, applicant respectfully submits that claim 16 and its dependent claims 17-21, 45 and 48 should be allowed for at least the same reasons stated in conjunction with claim 1.

The Examiner has rejected claim 22 for reasons similar to claim 1, applicant respectfully submits that claim 22 and its dependent claims 23-27 and 49 should be allowed for at least the same reasons stated in conjunction with claim 1.

C. New Claims 46-49

Applicant has also added new dependent claims 46-49 to further recite that the data rate selected for encoding each of the speech signal frames be “based on a classification of the speech signal of each frame.” Claim 46 depends from independent claim 1; claim 47 depends from independent claim 10; claim 48 depends from independent claim 16; and claim 22 depends from independent claim 22.

Applicant respectfully submits that the cited references fail to disclose, teach or suggest employing frame-by-frame selection of encoding schemes based on a data rate selected according to a classification of the speech signal.

Referring first to Stewart ‘634, a method for encoding signals based on the power level of the signal is disclosed (col. 4:29-55 and col. 6:13-40). In particular, referring to FIG. 4, the rate

controller 404 selects a rate of encoding based on the perpetually weighted error metric 401. As taught by Stewart '634 the perpetually weighted error metric 401 is based on the transmit power consumption of speech encoders 1 through N. In contrast, claims 46-49 are directed to a speech coding system that determines an data rate based on a classification of the speech signal in the frame (not on the transmit power consumption) and then selects an encoding scheme based on the data rate. Applicant respectfully submits that the approach disclosed in Stewart '634 is a substantial departure and teaches away from the system and method as claimed by Applicant.

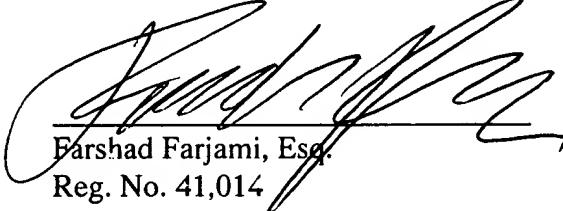
Referring next to Otani '693, the system disclosed by Otani '693 also fails to disclose or suggest determining a data rate based on a classification of the speech signal in the frame, and selecting an encoding scheme based on the data rate. Instead as pointed out above, Otani '693 selects the voice codec based on the mode of operation (col. 12:32-45, col. 18: 42-62, col. 22: 42-56). Accordingly applicant respectfully submits that claims 46-49 are further distinguishable over the prior art references of record and should therefore also be allowed.

D. Conclusion

For all the foregoing reasons, an early allowance and issuance of claims 1-7, 9-27 and 42-49 pending in the present application are respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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